

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

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DANIEL SANDERS
AIS # 141012

Plaintiff

VS.

CASE NO. 2:06cv361-WKW
(TO BE SUPPLIED BY CLERK)

GOVERNOR BOB RILEY,
ATTORNEY GENERAL TROY KING,
ADOC COM. RICHARD ALLEN

DEFENDANTS

42 USC § 1983 COMPLAINT

Comes now Daniel Sanders and for each Constitutional violation that exist states a valid claim to which relief can be granted. Defendants in this action are all State Elected Officials with State law duties to which must be performed as a matter of Alabama and Federal Constitution of these United States.

Sanders has a valid claim where each named Defendant comes under receivership of Alabama Prison overcrowding, and which Federal United States Court has ruled on in this District. NEWMAN V. GRADDICK, 740 F.2d 1513 (1984) United States District Court ruled that Alabama Prisons were in violation of the United States Constitution. Governor Fob James, Former Governor of the State Of Alabama in 1980 agreed to get Alabama Prisons in compliance with the United States Constitution.

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Sanders and all inmates housed in Alabama Department of Corrections Prison Facilities are housed in Prisons which continue to violate the actual United States Constitutional violations which existed in 1980 and before. Defendants are fully aware of the United States Constitution Violations, and have totally violated United States Constitution, and placed all Citizens of the State of Alabama in great danger, and every inmate housed in Alabama State Prisons.

Sanders states that Defendants from overcrowded conditions, release back into population dangerous violent individuals from Alabama Prisons. Sanders facts are true and correct where ADOC Officers who live in fear of their own lives permit and allow inmates to do what they please, and provide rule violations to the majority of inmates housed for Correction Officers very personal gain. Sanders by actual facts live in great danger where the weak are preyed on each day, and the stronger inmates control.

The complete jungle in ADOC exist, and Correction Officers use their jobs for mere playing of games, sleeping on the job, some by majority take items from inmates for personal benefits, and for allowing illegal acts to take place. Sanders brings this Complaint for serious United States Constitutional Violations which must be resolved, and actual violations done under 18 USC § 241 and 242. The following :

CLAIM ONE: Federal and State Constitutional Violations

Daniel Sanders and all Citizens of Alabama come under Alabama Statutes of laws both Criminal and Civil. Defendants by Constitution, and Alabama State laws owe a legal duty to provide laws under equal

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protection. State Officials Governor Bob Riley, Troy King, and Richard Allen. Defendants are using Alabama Statute of law for CIT Good Time to intentionally overcrowd Alabama Prisons. Sanders says that from Former Governor Fob James, since 1980 to present dat and time. Alabama has had a full CIT Good Time law by Statute which made it very clear that by ACT 80-446 no Habitual Offender would receive CIT Good Time. Defendants in 1991, from mass overcrowded Alabama prisons amended Alabama CIT good Time Statute under Code Of Alabama 1975 § 14-9-41(e) to give Habitual Offenders CIT Good Time, for the sole purpose to give CIT Good Time for release of inmates back into society.

Governor Bob Riley, Troy King, and Richar Allen having full knowledge that awarding CIT Good Time to class discrimination violates United States Constitution. Defendants having full knowledge that they have given CIT Good Time to Habitual Offenders to inmates who have 15 Years and less, and discriminate against the same class of inmates with the very same crimes to deny what Alabama Laws must provide equally for all as written by actual language. Defendants are in direct violation of State law rulings issued by Alabama laws. See BROOKS V. STATE, 622 S0.2d 447 (Ala. Cr. App. 1993) at 451 Discrimination cannot be justified. The 1991 amend amendment was ruled by State laws of this State under equal protection, discrimination claims. Each State Offical knowing that overcrowded Prisons exist, knowing that CIT Good Time is being violated by discrimination, and they have used Alabama Statute to knowingly allow discrimination to continue when these issues have come before

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them. Governor Riley by his own admission has requested a Special Session to deal with Alabama Prison Overcrowding. Defendants have knowingly violated rights of Alabama Citizens, and Sanders rights where they allow and provide class discrimination with their Statute of CIT Good Time law. Defendants are doing the following :

1. Giving CIT Good Time to Habitual Offenders who are Class C and Class B inmates with 15 years and less in violation of written language used in ACT 80-446.
2. Defendants violate Federal United States Constitution 4th, 1st, 8th, and 14th Amendments with each segregated act done to violate written ACT giving class discrimination, and using illegal acts under Statute to give release to Habitual Offenders with the exact same crimes under nonviolent, and the only distinction being the number of sentence alone. Defendants acts are totally contrary to what they said by original language in ACT 80-446.
3. Defendants are using Alabama Law for evil intent to award discrimination, and in so doing making overcrowded Prisons to deny what has been agreed to take place with Federal ruling to bring Alabama Prisons in complinace with United States Constitution.

RELIEF WHICH IS DUE BY FEDERAL LAWS AND STATE LAWS

1. The Court to serve each named Defendant, and for each to show good cause why discrimination exist with 14-9-41(e) giving CIT Good Time under segregated acts to Habitual Offenders by sentence number alone.
2. Defendants to show good cause as to why United States Constitution under Alabama Prisons to be in compliance has not been complied with as agreed to by Former Governor Fob James.

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3. Defendants to provide before this Court the exact difference between Class C and Class B Habitual Offenders with 3 priors who receive 15 years and receive CIT Good Time and others with 3 priors and receive 25 years and no CIT Good Time.

4. Defendants to admit or deny whether CIT Good Time is being used in violation of the 14th Amendment to discriminate by sentence number alone.

5. Defendants to provide what Alabama granted to Habitual Offenders in October of 1991, where prior to 1991 only inmates who had 10 years and less under Class C, and Class B could receive CIT Good Time. Under State law duties for each Defendant to show how discrimination can be awarded to only 15 year sentences and not violate Alabama and Federal Constitution.

6. Defendants to show what Legislative ACT exist which will provide the same equal protection for Sanders and all others for compliance with United States Constitution.

To any and all relief to which Plaintiff is entitled by Federal and State laws of these United States.

CLAIM TWO: OVERCROWDED ALABAMA PRISONS ILLEGAL ACTS

1. Plaintiff avers that illegal acts are being done due to the overcrowded Alabama Prisons.

2. Tax Payers are being denied the truth to each and every Constitutional violations which exist that cause Tax Payers and all Citizens to pay a full increase in taxes which has taken place since October 1991.

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3. Defendants are knowingly requiring inmates to serve longer terms of incarceration in violation of their very written laws in the State of Alabama.

4. Defendants are requiring Sanders and others to be denied proper awarding of jail credit, Court's rulings of concurrent terms, and other Court rulings which lessen the actual amount of time to be served on said sentences. Defendants by and through Central records division. Sanders can provide over 800 inmates time sheets at his disposal today to prove that Defendants are denying Alabama Statute to award and give actual jail credit alone. These are acts done under illegal aspects to violate State law rights of Sanders and others, which creates overcrowded Alabama Prisons.

5. Defendants coming under Alabama Constitution 1901 Article IV § 85 have denied Sanders a legal duty owed to revise the Criminal Statute under Alabama CIT Good Time laws which they know provides a legal means to relieve overcrowded Prisons, and award only those who have EOS by State law application as written, which Defendants now provide and give to Habitual Offenders.

6. Defendants acts being done now violates Sanders and all Tax Payers of Alabama where tax dollars are being used to house inmates who by all laws and Statute have earned their release by Statute 14-9-41(e) which by amendment granted CIT Good Time to Habitual Offenders. Tax Payers are not aware that simple drug crimes with 25 years under Class C are not receiving the same under 14-9-41(e) with 15 years where both crimes are the exact same, and both inmates are Habitual Offenders.

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7. Defendants are violating Sanders rights with Alabama Statute that establishes equal protection, and prohibits discrimination to be used under sworn oath by Alabama Legislatures in drafting said laws.

8. Defendants are violating State laws of Alabama where ADOC Correction Officers are using their sworn oath, to sleep on the jobs, knowingly denying security to Sanders and other inmates, compromising their sworn oath under security for inmates and Tax Payers, taking illegal bribes, making their jobs a tool to supply illegal contraband, and to promote homosexual acts within ADOC male facilities.

9. Defendants are illegally taking inmates and placing male and female inmates in out of State Prison facilities. Defendants using their State laws to illegally house inmates out of State and in doing so they have full knowledge that Alabama Laws says ACT 80-446 awards CIT Good Time to Habitual Offenders. Thereby making it plain and simple that Alabama by Statute makes it available for all inmates to receive what is given to a class of inmates by Statute amended acts.

10. Defendants are acting under illegal authority where their sworn oath says to uphold the Constitution of these United States. Defendants have failed to provide what the Constitution has listed, and have failed to honor United States Constitution, as agreed to by Former Governor Fob James to bring Alabama Prisons in compliance with United States Constitution.

11. Defendants refuse to provide adequate safety, health needs, medical needs, and adequate schooling for Youths in Alabama prisons.

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12. Defendants fail to provide Sanders what is constitutionally required under the 8th, and 14th Amendment of these United States for protection from violence, protection from diseases, adequate medical care, adequate classification needs, and reentry programs.

13. Defendants by created laws of Alabama are using Alabama Laws to create overcrowded Prisons in direct violation of Statutes as written by plain language 14-9-41(a). Where Defendants since October 1991 amended Statute 14-9-41(e) directly violated written language which defeated the original purposes, which clearly said NO HABITUAL Offender would receive CIT GOOD TIME, and prior to October 1991, only those with 10 years and less with Class C and Class B could receive CIT Good Time. Defendants creating illegal acts to segregate and discriminate has caused triple capacity of inmates, created evil acts with Correction Officers, created excessive tax dollars for tax payers and Sanders Family as well. Defendants actions have not been centered to any penelological interrest, but to violate United States Constitution.

RELIEF WHICH IS DUE BY CONSTITUTION

1. Defendants to be served and show cause as to why Alabama Prisons are triple overcrowded to violate United States Constitution, which and where Federal Court has given Defendants ample time to comply with the United States Constitution, and in direct violation of Federal laws each Defendant have violated Sanders rights altoghether.

2. Defendants to comply with United States Constitution and bring Alabama Prisons in compliance with United States Constitution.

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3. Defendants to cease all State and Federal law violations. Alabama by law prohibits segregation, and discrimination was outlawed in Alabama, therefore Defendants acts are in violation of State laws as written.

4. Plaintiff seeks full hearing on all issues for serious constitutional violations which exist.

5. Plaintiff seeks declaratory judgment against each named Defendant.


(A). To declare segregation by Statute to be illegal under 14-9-41(e).

(B). To declare discrimination under 14-9-41(e) to be unconstitutional and illegal.

(C). To declare 14-9-41(a) and 14-9-41(e) which Defendants use to be in actual conflict, and Defendants using said laws to intentionally overcrowd Alabama Prisons. Each act to be in violation of Sanders rights.

The Court to issue a full show cause order, and for Defendants to make a full special report of Alabama Prison issues by CIT Good Time laws, and the Constitutional acts done since October of 1991 granting Habitual Offenders CIT Good Time and discriminating against others by Statute.

Respectfully


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DEFENDANTS ADDRESS FOR SERVICE

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APRIL 19th, 2006